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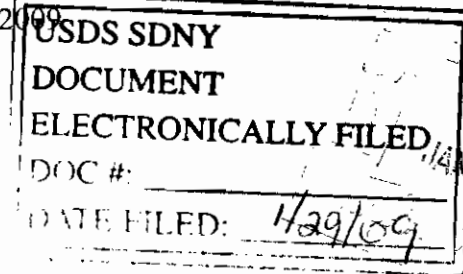
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**MEMO ENDORSED**

January 27, 2009

**VIA FEDERAL EXPRESS**

Honorable Richard J. Sullivan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 615  
New York, NY 10007



**Re: Peter W. Lindner v. IBM Corporation, et al**  
**Index No. 06 CV 4751**

Dear Judge Sullivan:

We write on behalf of Defendants in connection with the above referenced case to request a modification of the current schedule. Pursuant to the Court's November 11, 2008 scheduling order, fact depositions shall be completed by March 1, 2009, fact discovery is to be complete no later than March 16, 2009, and all discovery is to be completed by June 15, 2009.

The parties are proceeding on a dual track. We are exploring settlement while at the same time moving forward with discovery. Plaintiff's discovery responses were received the week of January 12, 2009, and Plaintiff has not yet executed medical authorizations which were sent to him the following week. Accordingly, the parties need additional time to complete fact discovery and depositions. We respectfully request that all discovery, fact and expert, be ordered to be completed by June 15, 2009. This request does not impact the post-discovery status conference or dispositive motions. Plaintiff's counsel has been consulted and joins in this request.

Thank you for your consideration.

Respectfully submitted,

JACKSON LEWIS LLP

Kevin G. Lauri

SO ORDERED  
DATE 1/28/09RICHARD J. SULLIVAN  
U.S.D.J.

KGL:sm

cc: Kenneth Richardson, Esq.  
Dana Glick Weisbrod, Esq.